

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 6672 OF 2016

Shri Lav Ashok Chakale

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. P.R. Gaikwad, advocate for petitioner.
Mr. A.R. Kale, AGP for the State.

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**CORAM : R.M. BORDE &
K. L. WADANE, JJ.
DATE : 28th JUNE, 2016.**

PER COURT :

1. The matter in respect of Koli Mahadeo is already decided by this court wherein the caste certificate issued as Mahadeo Koli instead of Koli Mahadeo. In the present case, the tribe certificate is issued as Mahadeo Koli instead of Koli Mahadeo. The matter stands on same footing.

2. In the light of above, the issue involved in the present Writ Petition is no longer res-integra and is decided by this Court vide order dated 14.08.2014 in Writ Petition No. 4536/2014 and other connected writ petitions.

3. In view of the above, we also follow the same course.

4. For the reasons recorded above, view taken by the Scrutiny Committee deserves to be upheld. However, in the facts and circumstances,

we proceed to issue certain directions in addition to the directions issued by the Scrutiny Committee.

a) The petitioner may approach the concerned Scrutiny Committee for issuance of photostat copy of the caste/tribe certificate produced by him for verification, within a period of four months from today. The Scrutiny Committee, on receipt of such application, issue attested/authenticated copy of the caste/tribe certificate produced by the petitioner for verification to the Committee.

b) The petitioner, on receipt of photostat copy of the caste/tribe certificate, shall approach the concerned Sub-Divisional Officer/competent authority with an application for issuance of caste/tribe certificate within a period of six weeks, thereafter.

c) In the event of earlier caste certificates had been issued by the Executive Magistrates, it would be open for the petitioner to tender an application to the Sub-Divisional officer of the concerned Division and such officer shall entertain the application and shall issue caste certificate/s in the prescribed proforma on verifying attested/authenticated photostat copy of the earlier caste/tribe certificate.

d) The concerned Sub-Divisional Officer/Competent Authority, on receipt of the application of the petitioner, together with attested/authenticated photostat copy of the caste/tribe certificate issued earlier, shall proceed to

issue caste/tribe certificate in prescribed proforma certifying that respective petitioners belong to 'Koli Mahadeo' Scheduled Tribe. The Sub Divisional officer / Competent Authority shall issue certificate within a period of four weeks from the date of receipt of the applications.

e) On receipt of Tribe certificate, the petitioner, shall approach the concerned Scrutiny Committee with a proposal in prescribed proforma requesting the Scrutiny Committee to verify the Tribe Certificate and consider his application for issuance of validity certificate. The petitioner shall approach the Scrutiny Committee within a period of eight weeks from the date of receipt of the caste certificate from the competent authority.

f) On receipt of the proposal from the petitioner, the Scrutiny Committee shall proceed to verify the caste/tribe certificate and take appropriate decision after following procedure prescribed under law in respect of issuance of validity certificates, as expeditiously as possible, preferably within a period of one year from the date of receipt of the proposal/application.

g) The Scrutiny Committee shall accept the proposals directly and shall not refuse to accept the proposal on the ground that same has not been routed through proper channel, either employer or educational institutions.

h) The employer shall not take any adverse action against the petitioner only on the ground of his

failure to produce validity certificate and further appropriate action can be taken only subject to result of verification claim, which would be lodged before the Scrutiny Committee, in accordance with the directions issued in this judgment.

5. The writ petition is accordingly disposed of. No costs.

(K. L. WADANE)
JUDGE

(R. M. BORDE)
JUDGE

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